

Applicant: Robert M. Carmichael  
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#### **REMARKS**

This Amendment is responsive to the Office Action dated June 9, 2004. In that Action, the Examiner rejected claims 1, 3-6, 14-16, 22, 24-28 and 30 under 35 U.S.C. §§102(b) and 103(a) based on the Bergstrom patent. Applicant respectfully traverses the Examiner's rejection of the claims and offers the foregoing amendments and following remarks in support thereof.

Claims 7-10 and 17-21 were allowed.

Claims 11-13, 23 and 29 were objected to but indicated to contain allowable subject matter if rewritten in independent form to include all limitations of the base claim and any intervening claims.

Claims 11, 23 and 29 have been amended. Claims 32-34 have been added. No new matter has been inserted. Claims 1 and 3-34 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

As to the Bergstrom patent:

(1) Independent claims 1, 14, 22, 26 and 31 all state that the center member of the belt has an elastic portion for automatic expansion or contraction of a diameter size of the belt. Bergstrom specifically discloses that its cummerbund/waist band 13 is formed from inner and outer layers of non-elastic fabric and edge bindings. See Col. 3, lines 11-14. Thus, Bergstrom does not provide a center member having an elastic portion and in fact teaches away from such feature;

(2) Independent claim 1 states that the garment is removably secured to a front portion of the belt. Independent claim 14 states that the garment has a first strap member releasably attached to the belt and a second strap member releasably attached to the belt. Bergstrom indicates that its vest is equipped with conventional straps and buckles (not shown) for connecting the side flaps and

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shoulder portions of the vest together. As an example, Bergstrom then sites its pending patent applications. See Col. 2, lines 36-43. Applicant is enclosing as an exhibit hereto U.S. Patent No. 4,990,115 which matured from the 369,760 application cited in Bergstrom. As disclosed in the cited Bergstrom patent and disclosed and shown in the enclosed '115 Patent, the side flaps and shoulder portions are both part of the vest and are attached to each other. No shoulder portion or any other portion of the vest is attached to a front portion of the cummerbund/waist band. Thus, Bergstrom does not show or disclose a garment attached to a front portion of the belt;

(3) Independent claim 26 claims at least one releasable weight assembly attached the belt. The examiner states that it is well known to provide weight member on dive belts to control diving underwater. However, the claim is for a releasable weight assembly. Any weights that could be attached to the cummerbund/waist band of Bergstrom are basically inaccessible during use as they would be covered by the vest worn by the user. Thus, it would not be obvious as suggested by the Examiner to provide releasable weights on the belt as claimed by Applicant;

(4) In independent claim 31, Applicant's claimed cover member is removably secured to the center member of the belt. Item number 59 in Bergstrom is identified as a lumbar pad and is attached to the soft pack not the cummerbund. If the Examiner is interpreting threading the cummerbund through the opening in the lumbar pad as securing a cover member to the belt, such position is when the cummerbund is attached to the garment, as opposed to prior to the securement of the belt to the garment as claimed by Applicant; and

(5) Independent claim 22 states that the first member of the belt is secured to the center member of the belt in use and is releasable from its securement to the center member when not in

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use. Bergstrom does not provide for a releasable first member.

In view of the above, Applicant respectfully traverses the rejection based on Bergstrom and respectfully requests that such rejection be withdrawn.

Applicant has completely responded to the Office Action dated June 9, 2004. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,



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